



11/29/03

2AR

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

First named inventor: Xuehai Ye
Application Number: 09/972,956
Filed: 10/10/01
Title: Gene Transfer to Renal Glomerular Cells
Docket Number: 64688/152

1635

Group Art Unit: 1614
Examiner: J Eric Angell

Mail Stop: Office of Petitions
Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure allegedly to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:

- (1) Petition fee;**
- (2) Reply and/or issue fee;**
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and**
- (4) Adequate showing of the cause of unavoidable delay**
- (5) The reply required to the outstanding Office Action or Advisory Advisory**

1. Petition fee

X small entity-fee \$55.00 (37 CFR 1.17(l)) Applicant claims small entity status.

___ other than small entity fee \$.(37 CFR 1.17(1)).

2. Reply and/or issue fee

**The EOT fee through the 10/09/03 statutory period was paid previously on
08/19/03**

3. Terminal disclaimer with disclaimer fee

X As this utility application was filed on or after June 8, 1995, no terminal disclaimer is required (37CFR1.137(d)(1)).

___ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ ____ for a small entity or \$ ____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

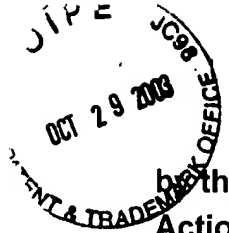
4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1. 137(a) was unavoidable, follows:

On 08/19/2003, following the 07/31/2003 Interview with the Examiner and the Primary Examiner, the petitioners filed an Amendment under 37 CFR 1.116 which included state-of-the-art references supporting petitioners' assertion of utility for their invention, along the lines suggested by the examiners at the Interview.

In an Advisory Action dated 10/01/2003, the Primary Examiner noted several informalities in the Amendment of 08/19/2003, on the basis of which the claims remained rejected. Although this was presumably mailed by the USPTO on 10/01/2003, the Advisory Action mail had not yet reached the undersigned addressee by the evening of 10/03/2003 when the undersigned attorney left the United States for a scheduled vacation (copy of airline ticket enclosed). Upon his return to his office on 10/15/2002, the undersigned found the Advisory Action mail. By this time, the statutory period had expired (on 10/09/2003), and thus the application had gone abandoned. Hence, this petition.

The petitioners submit that the delay in receipt of the Advisory Action was caused by Office personnel. Referring to MPEP 714.13 on page 700-205, right column, third full paragraph:

An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment was received by the Office.

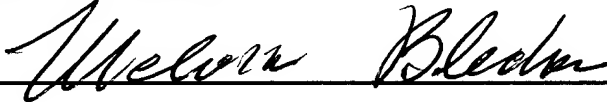
Petitioners' Amendment was routinely hand-delivered to the Office's Mail Room by the undersigned's courier on 08/19/2003, and the Primary Examiner in his Advisory Action has acknowledged receiving it. According to the MPEP section cited above, the Advisory Action should have been mailed to the undersigned no later than 09/18/2003. Had the Office followed its own guidelines, the undersigned would have had ample time in which to respond to the Advisory Action prior to his departing the country on 10/03/2003 and, obviously, prior to the statutory deadline of 10/09/2003. The Office failed to do so. Therefore, petitioners' submit that the abandonment was unavoidable by them, and pray for a grant of their petition for revival of their application.

5. Amendment

The response to the aforementioned Advisory Action accompanies this Petition.

Date of signature: 10/29/2003

Signature



Typed or printed name: Dr. Melvin Blecher, Attorney-at-Law, Reg. No. 33169

Address: 4329 Van Ness St., NW, Washington, DC 20016-5625

Tel.: 202 363 3338

FAX: 202 362 8404

Enclos.: Fee payment (Credit Card)
Amendment

PASSENGER TICKET AND BAGGAGE CHECK
SUBJECT TO CONDITIONS OF CONTRACT

ISSUED BY **BRITISH AIRWAYS**

NAME OF PASSENGER (NOT TRANSFERABLE)

BLECHER/MELVIN DR

NOT VALID FOR TRANSPORTATION THROUGHOUT YOUR JOURNEY

UPGRADE AWARD VOID IF SOLD/PURCH/BARTERED VALID BA ONLY

ORIGINAL ISSUE

FARE CALCULATION

WAS BA X/LON BA ATH M1316.00/- IST BA X/LON BA WAS M1316.00MUC2632.00END ROE1.000000 XT
7.00XY16.00Y02.50AY29.88UB15.00TR

FARE

USD 2632.00
USD 5.00YC
USD 3.10XA
USD 70.38YT
USD 2710.48

EQUIV. FARE PD.

FORM OF PAYMENT

PCB CK.WT. UNCK.WT. VIXXXXXXXXXXX2558T/0705/ C 007846

12501822310011

0 125 2305617496 3

DO NOT WRITE IN THESE SPACES WITH A BALLPOINT PEN

AN-TM

PASSENGER RECEIPT 1 OF 1

DATE OF ISSUE 07MAY03 10993065

PLACE OF ISSUE TBA

ISS. AGT. ID. AR FARE BASIS TBA TOUR CODE

PASSENGER TICKET AND BAGGAGE CHECK

PASSENGER COUPON

WAS

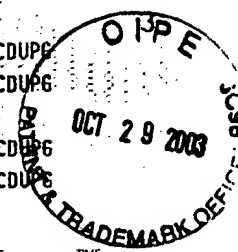
LON BA0222 D 030CTECDUPG

ATH BA0632 D 040CTECDUPG

IST VOID

LON BA0675 D 150CTECDUPG

WAS BA0223 D 150CTECDUPG



CARRIER/FLIGHT	CLASS/DATE	TIME
GATE BOARD TIME SEAT SMOKE		
ADDITIONAL SEAT INFORMATION		

PCB CK.WT. UNCK.WT. SEQ.NO. PCB CK.WT. UNCK.WT. SEQ.NO. PCB CK.WT. UNCK.WT. SEQ.NO.

NOT VALID FOR TRAVEL
125 2305617496 3

BRITISH AIRWAYS

NAME OF PASSENGER
BLECHER/MELVIN DR
BA/BLUE91920969

FROM **LONDON** LHR
TO **ATHENS** ATH

CARRIER / FLIGHT **BA 640 C** CLASS / DATE **05OCT** TIME **0735**

GATE **1C** GATE CLOSES **0715** SEAT **07A** SMOKE **XX**

PCB CK.WT. UNCK.WT. SEQ.NO.
3 60 0 129

PASSENGER TICKET AND BAGGAGE CHECK

93

BRITISH AIRWAYS

NAME OF PASSENGER
BLECHER/MELVIN DR
BA/BLUE91920969

FROM **WASHINGTON** IAD
TO **LONDON** LHR

CARRIER / FLIGHT **BA 222 J** CLASS / DATE **03OCT** TIME **2135**

GATE **D32** GATE CLOSES **2120** SEAT **13A** SMOKE **XX**

PCB CK.WT. UNCK.WT. SEQ.NO.
3 0 0 178

PASSENGER TICKET AND BAGGAGE CHECK

93

BRITISH AIRWAYS

NAME OF PASSENGER
BLECHER/MELVIN DR
BA/BLUE91920969

FROM **LONDON** LHR
TO **WASHINGTON** IAD

CARRIER / FLIGHT **BA 223 J** CLASS / DATE **15OCT** TIME **1500**

GATE **1440** GATE CLOSES **1440** SEAT **13A** SMOKE **XX**

PCB CK.WT. UNCK.WT. SEQ.NO.
3 50 0 024

PASSENGER TICKET AND BAGGAGE CHECK

1B

BRITISH AIRWAYS

NAME OF PASSENGER
BLECHER/MELVIN DR
BA/BLUE91920969

FROM **ISTANBUL** IST
TO **LONDON** LHR

CARRIER / FLIGHT **BA 675 C** CLASS / DATE **15OCT** TIME **0850**

GATE **211** GATE CLOSES **0840** SEAT **04A** SMOKE **XX**

PCB CK.WT. UNCK.WT. SEQ.NO.
3 0 0 088

PASSENGER TICKET AND BAGGAGE CHECK

1B